

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CV 197 MOC WCM

LESLIE E. KLINE, on her own behalf and on behalf of B.A.W. and J.T.W., minors under the age of eighteen and, **JEFFERY A. KLINE**, on his own behalf,

Plaintiffs,

vs.

CLEVELAND COUNTY, a local government entity; **KAREN PRITCHARD**, former director of Cleveland County Department of Social Services, in her official and individual capacities; **KATIE SWANSON**, director of Cleveland County Department of Social Services, in her official capacity; **TAMARA HARDIN**, Cleveland County Department of Social Services Child Protective Services social worker supervisor, in her official and individual capacities; **PAM BRIGHT**, former Cleveland County Department of Social Services Child Protective Services social worker supervisor, in her official and individual capacities; **NICHOLE ALLEN**, Cleveland County Department of Social Services Child Protective Services Social Worker, in her official and individual capacities; **DEBI REECE**, Cleveland County Department of Social Services Child Protective Services social worker, in her official and individual capacities; **CHRISTOPHER LEE**, Cleveland County Department of Social Services Child Protective Services social worker, in his official and individual capacities; and **JOHNNY ANDERSON WHITE**, in his individual capacity,

ORDER

Defendants.

This matter is before the Court on the following motions:

1. Defendant White's Motion for Extension of Time to Identify Experts and Serve Reports (Doc. 125);
2. Defendant White's Corrected/Amended Motion for Extension of Time to Identify Experts and Serve Reports (Doc. 126);
3. Cleveland County & DSS Defendants' Motion with Consent to Extend Time to Respond to Discovery (Doc. 129);
4. Cleveland County & DSS Defendants' Motion for Protective Order from RPD #11 (the "Motion for Protective Order," Doc. 130).

A hearing on the motions was held on February 12, 2021 by video teleconference. Rebecca McNerney appeared on behalf of Plaintiffs; Martha Thompson appeared on behalf of Defendant Cleveland County and the Individual Defendants Karen Pritchard, Tamara Hardin, Pam Bright, Nichole Allen, Debbie Reece, and Christopher Lee (the "DSS Defendants"); and Mark Kurdys appeared on behalf of Defendant Johnny Anderson White.

I. Motions 125, 126 & 129

These motions seek extensions of certain deadlines. Defendants' expert disclosures are currently due by February 12, 2021, court-enforceable discovery is set to conclude on March 5, 2021, and the dispositive motions deadline is April 1, 2021. Doc. 115.

In both of his Motions, Defendant White requests an extension of the

deadline to submit his expert disclosures through and including February 22, 2021. Cleveland County and the DSS Defendants have filed a response joining White's request and asking for a similar extension. Doc. 128. In response, Plaintiffs request that the Court deny the requested extension, "unless the discovery deadline is extended by the same number of days...." Doc. 127.

In their Motion, Cleveland County and the DSS Defendants request that their deadline to respond to Plaintiffs' Second Set of Interrogatories and Requests for Production be extended through and including February 22, 2021, and that their deadline for responding to Plaintiffs' Requests for Admission be extended through and including March 15, 2021. Doc. 129 at 1. During the hearing, Plaintiffs advised that they consent to these extensions, provided that these Defendants respond to Plaintiffs' Requests for Admission by NOON on March 15, 2021.

Having considered the parties' written filings as well as the discussion with counsel during the hearing, the undersigned will allow the requested extensions. The April 1, 2021 dispositive motions deadline will remain in effect, however.

II. Motion for Protective Order

By this Motion, Cleveland County and the DSS Defendants seek a protective order relieving them of the obligation of responding to Plaintiffs' Request for Production number 11. Plaintiffs have filed a response. Doc. 131.

During the February 12, 2021 hearing, counsel for these parties advised that, while they were prepared to proceed with a hearing on this Motion, there were additional aspects of the issue that they had not discussed and that could have some bearing on their positions, or potentially lead to a resolution of this discovery dispute. Consequently, the Motion will be held open at this time to provide counsel with an additional opportunity to confer regarding Request for Production number 11. In the event counsel are unable to resolve the dispute, they may so advise the undersigned's chambers, in which case a hearing on the Motion will be scheduled promptly.

IT IS THEREFORE ORDERED that:

1. The Corrected/Amended Motion for Extension of Time to Identify Experts and Serve Reports (Doc. 126) is **GRANTED**.
 - a. The following deadlines are **EXTENDED**:
 - i. Defendants' expert disclosures through and including February 22, 2021; and
 - ii. Discovery through and including March 15, 2021.
 - b. All other provisions of the Pretrial Order and Case Management Plan, Doc. 91 (and as previously amended, see Doc. 115), including the April 1, 2021 motions deadline and the August 2, 2021 trial setting, remain in effect.

2. Cleveland County and the DSS Defendants' Motion with Consent to Extend Time to Respond to Discovery (Doc. 129) is **GRANTED**, and the following deadlines are **EXTENDED**:
 - a. Cleveland County and the DSS Defendants' deadline to respond to Plaintiffs' Second Set of Interrogatories and Requests for Production through and including February 22, 2021;
 - b. Cleveland County and the DSS Defendants' deadline to respond to Plaintiffs' Requests for Admission (served February 2, 2021) through and including NOON on March 15, 2021.
3. The Motion for Extension of Time to Identify Experts and Serve Reports (Doc. 125) is **DENIED AS MOOT**.
4. A hearing on Cleveland County and the DSS Defendants' Motion for Protective Order from RPD # 11 (Doc. 130) is **DEFERRED** to allow counsel the opportunity to confer regarding this discovery dispute.

Signed: February 12, 2021



W. Carleton Metcalf
United States Magistrate Judge

